

1                   A bill to be entitled  
2           An act relating to building regulation; amending s.  
3           468.603, F.S.; defining the term "private provider";  
4           amending s. 468.609, F.S.; revising eligibility  
5           requirements for a person applying to become certified  
6           as a building code inspector or plans examiner;  
7           authorizing an individual to perform certain duties  
8           under certain conditions if he or she is under the  
9           direct supervision of a certified building code  
10          official; revising the special conditions or  
11          requirements that the Florida Building Code  
12          Administrators and Inspectors Board may impose on  
13          provisional certificates; authorizing a person to  
14          perform certain duties under certain conditions if the  
15          person is under the direct supervision of a person  
16          licensed as a building code official, engineer, or  
17          architect; authorizing that partial completion of an  
18          internship program be transferable among  
19          jurisdictions, private providers, and firms of private  
20          providers; amending s. 553.79, F.S.; providing that a  
21          local government may not prohibit or restrict  
22          demolition permits for single-family residential  
23          structures located in certain areas; providing that  
24          local governments may only review demolition permits  
25          administratively for compliance with certain

26 regulations; prohibiting a property owner from being  
27 penalized for a demolition that is in compliance with  
28 a demolition permit; prohibiting local governments  
29 from imposing additional requirements on certain  
30 structures; providing applicability; amending s.  
31 553.791, F.S.; revising the definition of the term  
32 "duly authorized representative"; limiting the  
33 administrative fee that a local jurisdiction can  
34 charge when an owner or contractor hires a private  
35 provider for inspection services; requiring the local  
36 jurisdiction to provide access to certain documents to  
37 a private provider, contractor, and owner with certain  
38 restrictions; requiring the local building official to  
39 issue a certificate of occupancy or certificate of  
40 completion within a certain number of days after  
41 receipt of certain information, including the payment  
42 of all outstanding fees; providing that a certificate  
43 of occupancy or certificate of completion is  
44 automatically granted and issued, and the permit  
45 application closed, under certain circumstances;  
46 requiring the local building official to provide a  
47 written certificate of occupancy or certificate of  
48 completion within a specified time; amending s.  
49 553.792; revising requirements for when a local  
50 government requests certain additional information

51 from an applicant for a building permit; limiting the  
 52 number of times the local government may request such  
 53 information; providing requirements for a local  
 54 government if a certain request is made by an  
 55 applicant; amending s. 553.80, F.S.; authorizing a  
 56 civil action under certain circumstances; providing an  
 57 effective date.

58

59 Be It Enacted by the Legislature of the State of Florida:

60

61 Section 1. Subsection (9) is added to section 468.603,  
 62 Florida Statutes, to read:

63 468.603 Definitions.—As used in this part:

64 (9) "Private provider" has the same meaning as in s.  
 65 553.791(1).

66 Section 2. Paragraph (c) of subsection (2), paragraphs (c)  
 67 and (d) of subsection (7), and paragraph (b) of subsection (10)  
 68 of section 468.609, Florida Statutes, are amended to read:

69 468.609 Administration of this part; standards for  
 70 certification; additional categories of certification.—

71 (2) A person may take the examination for certification as  
 72 a building code inspector or plans examiner pursuant to this  
 73 part if the person:

74 (c) Meets eligibility requirements according to one of the  
 75 following criteria:

76 1. Demonstrates 4 years' combined experience in the field  
77 of construction or a related field, building code inspection, or  
78 plans review corresponding to the certification category sought;

79 2. Demonstrates a combination of postsecondary education  
80 in the field of construction or a related field and experience  
81 which totals 3 years, with at least 1 year of such total being  
82 experience in construction, building code inspection, or plans  
83 review;

84 3. Demonstrates a combination of technical education in  
85 the field of construction or a related field and experience  
86 which totals 3 years, with at least 1 year of such total being  
87 experience in construction, building code inspection, or plans  
88 review;

89 4. Currently holds a standard certificate issued by the  
90 board or a firesafety inspector license issued under ~~pursuant to~~  
91 chapter 633, with a minimum of 3 years' verifiable full-time  
92 experience in firesafety inspection or firesafety plan review,  
93 and has satisfactorily completed a building code inspector or  
94 plans examiner training program that provides at least 100 hours  
95 but not more than 200 hours of cross-training in the  
96 certification category sought. The board shall establish by rule  
97 criteria for the development and implementation of the training  
98 programs. The board must ~~shall~~ accept all classroom training  
99 offered by an approved provider if the content substantially  
100 meets the intent of the classroom component of the training

101 program;

102         5. Demonstrates a combination of the completion of an  
103 approved training program in the field of building code  
104 inspection or plan review and a minimum of 2 years' experience  
105 in the field of building code inspection, plan review, fire code  
106 inspections and fire plans review of new buildings as a  
107 firesafety inspector certified under s. 633.216, or  
108 construction. The approved training portion of this requirement  
109 must ~~shall~~ include proof of satisfactory completion of a  
110 training program that provides at least 200 hours but not more  
111 than 300 hours of cross-training that is approved by the board  
112 in the chosen category of building code inspection or plan  
113 review in the certification category sought with at least 20  
114 hours but not more than 30 hours of instruction in state laws,  
115 rules, and ethics relating to professional standards of  
116 practice, duties, and responsibilities of a certificateholder.  
117 The board shall coordinate with the Building Officials  
118 Association of Florida, Inc., to establish by rule the  
119 development and implementation of the training program. However,  
120 the board must ~~shall~~ accept all classroom training offered by an  
121 approved provider if the content substantially meets the intent  
122 of the classroom component of the training program;

123         6. Currently holds a standard certificate issued by the  
124 board or a firesafety inspector license issued under ~~pursuant to~~  
125 chapter 633 and:

126 a. Has at least 4 years' verifiable full-time experience  
127 as an inspector or plans examiner in a standard certification  
128 category currently held or has a minimum of 4 years' verifiable  
129 full-time experience as a firesafety inspector licensed under  
130 ~~pursuant to~~ chapter 633.

131 b. Has satisfactorily completed a building code inspector  
132 or plans examiner classroom training course or program that  
133 provides at least 200 but not more than 300 hours in the  
134 certification category sought, except for residential ~~one-family~~  
135 ~~and two-family dwelling~~ training programs, which must provide at  
136 least 500 but not more than 800 hours of training as prescribed  
137 by the board. The board shall establish by rule criteria for the  
138 development and implementation of classroom training courses and  
139 programs in each certification category; or

140 7.a. Has completed a 4-year internship certification  
141 program as a building code inspector or plans examiner while  
142 also employed full-time by a municipality, county, or other  
143 governmental jurisdiction, under the direct supervision of a  
144 certified building official. A person may also complete the  
145 internship certification program while employed full time by a  
146 private provider or a private provider's firm that performs the  
147 services of a building code inspector or plans examiner, while  
148 under the direct supervision of a certified building official.  
149 Proof of graduation with a related vocational degree or college  
150 degree or of verifiable work experience may be exchanged for the

151 internship experience requirement year-for-year, but may reduce  
152 the requirement to no less than 1 year.

153 b. Has passed an examination administered by the  
154 International Code Council in the certification category sought.  
155 Such examination must be passed before beginning the internship  
156 certification program.

157 c. Has passed the principles and practice examination  
158 before completing the internship certification program.

159 d. Has passed a board-approved 40-hour code training  
160 course in the certification category sought before completing  
161 the internship certification program.

162 e. Has obtained a favorable recommendation from the  
163 supervising building official after completion of the internship  
164 certification program.

165 (7)

166 (c) The board shall provide for appropriate levels of  
167 provisional certificates and may issue these certificates with  
168 such special conditions or requirements ~~relating to the place of~~  
169 ~~employment of the person holding the certificate, the~~  
170 ~~supervision of such person on a consulting or advisory basis, or~~  
171 ~~other matters~~ as the board deems ~~may deem~~ necessary to protect  
172 the public safety and health. The board may not place a special  
173 condition or requirement on a provisional certificate with  
174 respect to the requirement of employment by a municipality,  
175 county, or other local governmental agency.

176 (d) A person may perform the duties of a plans examiner or  
 177 building code inspector for 120 days if a provisional  
 178 certificate application has been submitted if such person is  
 179 under the direct supervision of a person licensed as a certified  
 180 building code administrator under this part ~~who holds a standard~~  
 181 ~~certification~~ and who has found such person qualified for a  
 182 provisional certificate. Direct supervision and the  
 183 determination of qualifications may also be provided by a  
 184 building code administrator who holds a limited or provisional  
 185 certificate in a county having a population of fewer than 75,000  
 186 and in a municipality located within such county.

187 (10)

188 (b) The board shall by rule establish:

189 1. Reciprocity of certification with any other state that  
 190 requires an examination administered by the International Code  
 191 Council.

192 2. That an applicant for certification as a building code  
 193 inspector or plans examiner may apply for a provisional  
 194 certificate valid for the duration of the internship period.

195 3. That partial completion of an internship program is  
 196 transferable among jurisdictions, private providers, and firms  
 197 of private providers ~~may be transferred between jurisdictions~~ on  
 198 a form prescribed by the board.

199 4. That an applicant may apply for a standard certificate  
 200 on a form prescribed by the board upon successful completion of



201 an internship certification program.

202 5. That an applicant may apply for a standard certificate  
 203 at least 30 days but ~~and~~ no more than 60 days before completing  
 204 the internship certification program.

205 6. That a building code inspector or plans examiner who  
 206 has standard certification may seek an additional certification  
 207 in another category by completing an additional nonconcurrent 1-  
 208 year internship program in the certification category sought and  
 209 passing an examination administered by the International Code  
 210 Council and a board-approved 40-hour code training course.

211 Section 3. Subsection (25) is added to section 553.79,  
 212 Florida Statutes, to read:

213 553.79 Permits; applications; issuance; inspections.—

214 (25) (a) A local law, ordinance, or regulation may not  
 215 prohibit or otherwise restrict the ability of a private property  
 216 owner to obtain a building permit to demolish his or her single-  
 217 family residential structure located in a coastal high-hazard  
 218 area, moderate flood zone, or special flood hazard area  
 219 according to a Flood Insurance Rate Map issued by the Federal  
 220 Emergency Management Agency for the purpose of participating in  
 221 the National Flood Insurance Program if the lowest finished  
 222 floor elevation of such structure is at or below base flood  
 223 elevation as established by the Florida Building Code or a  
 224 higher base flood elevation as may be required by local  
 225 ordinance, whichever is higher, provided that such permit

226 otherwise complies with all applicable Florida Building Code,  
227 Florida Fire Prevention Code, and Life Safety Code requirements,  
228 or local amendments thereto.

229 (b) An application for a demolition permit sought under  
230 this subsection may only be reviewed administratively for  
231 compliance with the Florida Building Code, the Florida Fire  
232 Prevention Code, and the Life Safety Code, or local amendments  
233 thereto, and any regulations applicable to a similarly situated  
234 parcel. Applications may not be subject to any additional local  
235 land development regulations or public hearings. A local  
236 government may not penalize a private property owner for a  
237 demolition that is in compliance with the demolition permit.

238 (c) If a single-family residential structure is demolished  
239 pursuant to a demolition permit, a local government may not  
240 impose additional regulatory or building requirements on the new  
241 single-family residential structure constructed on the site of  
242 the demolished structure which would not otherwise be applicable  
243 to a similarly situated vacant parcel.

244 (d) This subsection does not apply to any of the  
245 following:

246 1. A structure designated on the National Register of  
247 Historic Places.

248 2. A privately owned single-family residential structure  
249 designated historic by a local, state, or federal governmental  
250 agency on or before January 1, 2022.

251 3. A privately owned single-family residential structure  
 252 designated historic after January 1, 2022, by a local, state, or  
 253 federal governmental agency with the consent of its owner.

254 Section 4. Paragraph (f) of subsection (1), paragraph (b)  
 255 of subsection (2), and subsection (13) of section 553.791,  
 256 Florida Statutes, are amended, and paragraph (c) is added to  
 257 subsection (2) of that section, to read:

258 553.791 Alternative plans review and inspection.—

259 (1) As used in this section, the term:

260 (f) "Duly authorized representative" means an agent of the  
 261 private provider identified in the permit application who  
 262 reviews plans or performs inspections as provided by this  
 263 section and who is licensed as an engineer under chapter 471 or  
 264 as an architect under chapter 481 or who holds a standard or  
 265 provisional certificate under part XII of chapter 468. A duly  
 266 authorized representative who only holds a provisional  
 267 certificate under part XII of chapter 468 must be under the  
 268 direct supervision of a person licensed as a building code  
 269 administrator under part XII of chapter 468.

270 (2)

271 (b) If an owner or contractor retains a private provider  
 272 for purposes of plans review or building inspection services,  
 273 the local jurisdiction must reduce the permit fee by the amount  
 274 of cost savings realized by the local enforcement agency for not  
 275 having to perform such services. Such reduction may be

276 | calculated on a flat fee or percentage basis, or any other  
 277 | reasonable means by which a local enforcement agency assesses  
 278 | the cost for its plans review or inspection services. The local  
 279 | jurisdiction may not charge fees for building inspections if the  
 280 | fee owner or contractor hires a private provider to perform such  
 281 | services; however, the local jurisdiction may charge a  
 282 | reasonable administrative fee, which shall be based on the cost  
 283 | that is actually incurred, including the labor cost of the  
 284 | personnel providing the service, by the local jurisdiction or  
 285 | attributable to the local jurisdiction for the clerical and  
 286 | supervisory assistance required, or both.

287 | (c) If an owner or a contractor retains a private provider  
 288 | for purposes of plans review or building inspection services,  
 289 | the local jurisdiction must provide equal access to all  
 290 | permitting and inspection documents and reports to the private  
 291 | provider, owner, and contractor if such access is provided by  
 292 | software that protects exempt records from disclosure.

293 | (13)(a) No more than 10 ~~2~~ business days, or if the permit  
 294 | is related to single-family or two-family dwellings then no more  
 295 | than 2 business days, after receipt of a request for a  
 296 | certificate of occupancy or certificate of completion and the  
 297 | applicant's presentation of a certificate of compliance and  
 298 | approval of all other government approvals required by law,  
 299 | including the payment of all outstanding fees, the local  
 300 | building official shall issue the certificate of occupancy or

301 certificate of completion or provide a notice to the applicant  
 302 identifying the specific deficiencies, as well as the specific  
 303 code chapters and sections.

304 (b) If the local building official does not provide notice  
 305 of the deficiencies within the applicable time periods under  
 306 paragraph (a) prescribed 2-day period, the request for a  
 307 certificate of occupancy or certificate of completion is  
 308 automatically shall be deemed granted and deemed the certificate  
 309 of occupancy or certificate of completion shall be issued as of  
 310 by the local building official on the next business day. The  
 311 local building official must provide the applicant with the  
 312 written certificate of occupancy or certificate of completion  
 313 within 10 days after it is automatically granted and issued. To  
 314 resolve any identified deficiencies, the applicant may elect to  
 315 dispute the deficiencies pursuant to subsection (14) or to  
 316 submit a corrected request for a certificate of occupancy or  
 317 certificate of completion.

318 Section 5. Subsection (1) of section 553.792, Florida  
 319 Statutes, is amended to read:

320 553.792 Building permit application to local government.-

321 (1)(a) Within 10 days of an applicant submitting an  
 322 application to the local government, the local government shall  
 323 advise the applicant what information, if any, is needed to deem  
 324 the application properly completed in compliance with the filing  
 325 requirements published by the local government. If the local

326 government does not provide written notice that the applicant  
327 has not submitted the properly completed application, the  
328 application shall be automatically deemed properly completed and  
329 accepted. Within 45 days after receiving a completed  
330 application, a local government must notify an applicant if  
331 additional information is required for the local government to  
332 determine the sufficiency of the application, and shall specify  
333 the additional information that is required. The applicant must  
334 submit the additional information to the local government or  
335 request that the local government act without the additional  
336 information. While the applicant responds to the request for  
337 additional information, the 120-day period described in this  
338 subsection is tolled. Both parties may agree to a reasonable  
339 request for an extension of time, particularly in the event of a  
340 force majeure or other extraordinary circumstance. The local  
341 government must approve, approve with conditions, or deny the  
342 application within 120 days following receipt of a completed  
343 application.

344 (b)1. When reviewing an application for a building permit,  
345 a local government may not request additional information from  
346 the applicant more than three times, unless the applicant waives  
347 such limitation in writing.

348 2. If a local government requests additional information  
349 from an applicant and the applicant submits the requested  
350 additional information to the local government within 30 days

351 after receiving the request, the local government must, within  
 352 15 days after receiving such information:

- 353 a. Determine if the application is properly completed;
- 354 b. Approve the application;
- 355 c. Approve the application with conditions;
- 356 d. Deny the application; or
- 357 e. Advise the applicant of information, if any, that is  
 358 needed to deem the application properly completed or to  
 359 determine the sufficiency of the application.

360 3. If a local government makes a second request for  
 361 additional information from the applicant and the applicant  
 362 submits the requested additional information to the local  
 363 government within 30 days after receiving the request, the local  
 364 government must, within 10 days after receiving such  
 365 information:

- 366 a. Determine if the application is properly completed;
- 367 b. Approve the application;
- 368 c. Approve the application with conditions;
- 369 d. Deny the application; or
- 370 e. Advise the applicant of information, if any, that is  
 371 needed to deem the application properly completed or to  
 372 determine the sufficiency of the application.

373 4. Before a third request for additional information may  
 374 be made, the applicant must be offered an opportunity to meet  
 375 with the local government to attempt to resolve outstanding

376 issues. If a local government makes a third request for  
 377 additional information from the applicant and the applicant  
 378 submits the requested additional information to the local  
 379 government within 30 days after receiving the request, the local  
 380 government must, within 10 days after receiving such information  
 381 unless the applicant waived the local government's limitation in  
 382 writing, determine that the application is complete and:

- 383 a. Approve the application;
- 384 b. Approve the application with conditions; or
- 385 c. Deny the application.

386 5. If the applicant believes the request for additional  
 387 information is not authorized by ordinance, rule, statute, or  
 388 other legal authority, the local government, at the applicant's  
 389 request, must process the application and either approve the  
 390 application, approve the application with conditions, or deny  
 391 the application.

392 (c)-(b) If a local government fails to meet a deadline  
 393 provided in paragraphs (a) and (b) ~~paragraph (a)~~, it must reduce  
 394 the building permit fee by 10 percent for each business day that  
 395 it fails to meet the deadline. Each 10-percent reduction shall  
 396 be based on the original amount of the building permit fee,  
 397 unless the parties agree to an extension of time.

398 Section 6. Paragraph (a) of subsection (7) of section  
 399 553.80, Florida Statutes, is amended to read:

400 553.80 Enforcement.—



401 (7) (a) The governing bodies of local governments may  
 402 provide a schedule of reasonable fees, as authorized by s.  
 403 125.56(2) or s. 166.222 and this section, for enforcing this  
 404 part. These fees, and any fines or investment earnings related  
 405 to the fees, shall be used solely for carrying out the local  
 406 government's responsibilities in enforcing the Florida Building  
 407 Code. When providing a schedule of reasonable fees, the total  
 408 estimated annual revenue derived from fees, and the fines and  
 409 investment earnings related to the fees, may not exceed the  
 410 total estimated annual costs of allowable activities. Any  
 411 unexpended balances must ~~shall~~ be carried forward to future  
 412 years for allowable activities or must ~~shall~~ be refunded at the  
 413 discretion of the local government. A local government may not  
 414 carry forward an amount exceeding the average of its operating  
 415 budget for enforcing the Florida Building Code for the previous  
 416 4 fiscal years. For purposes of this subsection, the term  
 417 "operating budget" does not include reserve amounts. Any amount  
 418 exceeding this limit must be used as authorized in subparagraph  
 419 2. However, a local government that ~~which~~ established, as of  
 420 January 1, 2019, a Building Inspections Fund Advisory Board  
 421 consisting of five members from the construction stakeholder  
 422 community and carries an unexpended balance in excess of the  
 423 average of its operating budget for the previous 4 fiscal years  
 424 may continue to carry such excess funds forward upon the  
 425 recommendation of the advisory board. The basis for a fee

426 structure for allowable activities must ~~shall~~ relate to the  
 427 level of service provided by the local government and must ~~shall~~  
 428 include consideration for refunding fees due to reduced services  
 429 based on services provided as prescribed by s. 553.791, but not  
 430 provided by the local government. Fees charged must ~~shall~~ be  
 431 consistently applied.

432 1. As used in this subsection, the phrase "enforcing the  
 433 Florida Building Code" includes the direct costs and reasonable  
 434 indirect costs associated with review of building plans,  
 435 building inspections, reinspections, and building permit  
 436 processing; building code enforcement; and fire inspections  
 437 associated with new construction. The phrase may also include  
 438 training costs associated with the enforcement of the Florida  
 439 Building Code and enforcement action pertaining to unlicensed  
 440 contractor activity to the extent not funded by other user fees.

441 2. A local government must use any excess funds that it is  
 442 prohibited from carrying forward to rebate and reduce fees, or  
 443 to pay for the construction of a building or structure that  
 444 houses a local government's building code enforcement agency or  
 445 the training programs for building officials, inspectors, or  
 446 plans examiners associated with the enforcement of the Florida  
 447 Building Code. Excess funds used to construct such a building or  
 448 structure must be designated for such purpose by the local  
 449 government and may not be carried forward for more than 4  
 450 consecutive years. An owner or builder who has a valid building

451 permit issued by a local government for a fee, or an association  
 452 of owners or builders located in the state that has members with  
 453 valid building permits issued by a local government for a fee,  
 454 may bring a civil action against the local government that  
 455 issued the permit for a fee to enforce this subparagraph.

456 3. The following activities may not be funded with fees  
 457 adopted for enforcing the Florida Building Code:

458 a. Planning and zoning or other general government  
 459 activities.

460 b. Inspections of public buildings for a reduced fee or no  
 461 fee.

462 c. Public information requests, community functions,  
 463 boards, and any program not directly related to enforcement of  
 464 the Florida Building Code.

465 d. Enforcement and implementation of any other local  
 466 ordinance, excluding validly adopted local amendments to the  
 467 Florida Building Code and excluding any local ordinance directly  
 468 related to enforcing the Florida Building Code as defined in  
 469 subparagraph 1.

470 4. A local government must ~~shall~~ use recognized  
 471 management, accounting, and oversight practices to ensure that  
 472 fees, fines, and investment earnings generated under this  
 473 subsection are maintained and allocated or used solely for the  
 474 purposes described in subparagraph 1.

475 5. The local enforcement agency, independent district, or

476 special district may not require at any time, including at the  
477 time of application for a permit, the payment of any additional  
478 fees, charges, or expenses associated with:

479 a. Providing proof of licensure under ~~pursuant to~~ chapter  
480 489;

481 b. Recording or filing a license issued under ~~pursuant to~~  
482 this chapter;

483 c. Providing, recording, or filing evidence of workers'  
484 compensation insurance coverage as required by chapter 440; or

485 d. Charging surcharges or other similar fees not directly  
486 related to enforcing the Florida Building Code.

487 Section 7. This act shall take effect July 1, 2022.